

(UB)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

FILED

JAN 5 2015

DAVID CREWS, CLERK  
BY CM DeputyByron Greene

Plaintiff

v.  
Union County, mississippi  
union County Jail  
Johnny Bell Individually and official Capacities  
Jimmy Edward Defendant

CASE NO.

3:15cv3-MPM-DAS

## PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Byron Darius Greene

B. Name under which sentenced:

Byron Greene

C. Inmate identification number:

41283

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

Unit 30/D B-ZoneParchman, MS 38738

E. Place of confinement:

M. S. P.

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Union County, Mississippi

Title (Superintendent, Sheriff, etc.):

\_\_\_\_\_

Defendant's mailing address (street or post office box number, city, state, ZIP)

\_\_\_\_\_\_\_\_\_\_

Name:

Union County Jail

Title (Superintendent, Sheriff, etc.):

300 Carter Ave

Defendant's mailing address (street or post office box number, city, state, ZIP)

New Albany, Ms. 38652

Name:

Johnny Bell

Title (Superintendent, Sheriff, etc.):

Jail Administrator

Defendant's mailing address (street or post office box number, city, state, ZIP)

300 Carter Ave

Name:

New Albany, ms 38652

Title (Superintendent, Sheriff, etc.):

Jimmy Edwards

Defendant's mailing address (street or post office box number, city, state, ZIP)

Sheriff300 Carter Ave

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment?  Yes  No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

## A. Parties to the lawsuit:

Plaintiff(s):

N/A

Defendant(s):

N/A

B. Court:

N/A

C. Docket No.:

N/A

D. Judge's Name:

N/A

E. Date suit filed:

N/A

F. Date decided:

N/A

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement?  Yes  No

6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below).  Yes  No N/A

7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented?  Yes  No *N/A*

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?  Yes  No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

*"No Grievance Program"*

*I am no longer housed at the location of the Defendants in this Complaint.*

*The Defendants refuse to answer any form of Grievance.*

*The Defendants refuse to mail my Complaint to the <sup>Court</sup> and refuse to Complete the Account Information for Informa Pauperis.*

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

*"No Official Response"*

*The Defendants has never respond to and written or Verbal grievance.*

*The Defendants has held or trash Plaintiff's Complaint that was sent by way of Defendant's Mail System.*

**Special Note:** Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

N/A

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

Union County Mississippi is where this ordeal happen. Union County Jail is where I was held. Johnny Bell is the Jail Administrator who is responsible for the condition and the treatment of the jail and offenders.

Jimmy Edwards is the Sheriff who is Johnny Bell Supervision, Which also makes Mr. Edwards equally responsible for the conditions of the jail and the treatment of the Plaintiff.

See Complaint attached

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I would like the Court to Set date and time for a Jury Trial to determine a dollar amount for the Defendants to pay for Medical, Actual and punitive damage to the Plaintiff.

See Complaint

This Complaint was executed at (location):

M.S.P. Parchman,

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date:

11/17/2014

Byron M

Plaintiff's Signature

IN THE UNITED STATES FEDERAL COURT  
NORTHERN DISTRICT  
OF THE STATE OF MISSISSIPPI

COMPLAINT

Jury Trial

DEMANDED

Byron Greene, Pro se

PLAINTIFF

VS

UNION COUNTY, MISSISSIPPI

UNION COUNTY JAIL

DEFENDANT

JOHNNY BELL - Individually and Official Capacities

JIMMY EDWARDS - Individually and official Capacities

COMES NOW PLAINTIFF BYRON

GREENE IN this HONORABLE COURT

in the above style and cause number to

be determine by the court and bring

forth this CIVIL COMPLAINT

and in support thereof will show

unto the court the following:

Violation of the Plaintiff First, Fourth,

fifth, Sixth, Seventh, eighth, and

Fourteenth amendments rights.

## FACTS

### I

That at the present time July 31, 2014

Plaintiff Byron Greene is incarcerated

at Tarrant County Jail Fort Worth,

Texas.

### II

That on July 29, 2014 Plaintiff was stop

by Fort Worth Police an arrested for an

Out-of-State warrant from Mississippi  
and Plaintiff is awaiting extradition  
to Union County Mississippi.

III

That Plaintiff Byron Greene was  
arrested and held in El Paso, Texas for  
more than two weeks on the same Warrant  
from Union County, Mississippi less than 60  
days prior to being arrested in Fort Worth, Texas.

IV

That the original charge happen in New Albany,  
Union County Mississippi on or about July 14 2006,  
and Plaintiff gain no profit or money on the  
day he was arrested.

V

That Plaintiff was indicted within 90 days  
of being charged with Forgery and  
assault on a Police Officer.

VI

That a undetermine amount of money  
was taken from Plaintiff Byron Greene at  
Union County Jail at the time of his arrest.

VII

That Plaintiff made bond on or about  
November 8, 2006.

VIII

That Union County Fail to prosecute for more  
than five years after Plaintiff was

Charged and indicted.

IX

That Plaintiff had not fled prosecution.

X

That Plaintiff was incarcerated for more

than (3) three years in the same state on

non-related charge to Union County and

parole from prison having no detainer from

Union County in late 2010

XI

That on or about April 20, 2011 Byron Greene

the Plaintiff was arrested for parole violation

on the charge he had not related to Union

County and was sent back to prison, then

discharged from prison on two year Post

Release Supervision on or about December 8, 2011.

XII

That upon Plaintiff release from prison

at Alcorn Regional Correctional Facility on or

about December 8, 2011 Plaintiff was arrested

and taken to Union County Jail for the 2006

charge that Union County had fail to prosecute.

XIII

That Plaintiff Byron Greene appeared in

Union County Court on or about December 11, 2011

and Plaintiff was sentence to (5) five years

probation while the court knew that Plaintiff

was already on (2) two years post release

Supervision and Plaintiff was not eligible  
for probation which also made the sentence illegal.

XIV

that the Plaintiff's Attorney, D. A. Kelly Luther  
and presiding Judge allow Plaintiff to plea  
guilty knowing that Plaintiff State and  
Federal Speedy Trial rights were being  
Violated along with "due Process" Violations.

XV

that Plaintiff was arrested around June  
2013 in Columbus, Mississippi and was told  
that his sentence in Union County had been  
modified and Plaintiff was Ordered to a  
Restitution Center in Jackson, Mississippi.

XVI

That Plaintiff Byron Greene was kicked out the Restitution Center in Jackson sometime in June 2013 and sent to Union County Jail.

XVII

That Plaintiff stay at Union County Jail for approximately (2) two weeks before being sent to Pascagoula Restitution per Order of Union County Court.

XVIII

That upon being arrested and/or taken into custody at Union County Jail Plaintiff was made to surrender all clothes and shoes except boxers and socks.

XIX

That union county Jail issued Plaintiff  
a thin uniform shirt and pants also  
Shower shoes.

XX

That the temperature is Kept very low  
(cold) at union county Jail.

XXI

That the Officers at Union County Jail  
Wear long sleeves shirts Jackets and/or  
Sweaters.

XXII

That from early morning hours until 10 o'clock  
P.M. Plaintiff had to be in the dayroom

area of the housing unit or pod.

XXIII

That Plaintiff Byron Greene had to either sit or stand on cold concrete or cold steel all day everyday until 10 o'clock P.M. not allow to have anything to cover up with or sit on at Union County Jail.

XXIV

That after about (60) sixty days at Pasagoula Restitution Center Plaintiff was ejected from the program and return to Union County Jail where Plaintiff stayed for approximately another (60) sixty days before being released per order of the Court.

XXV

That after Plaintiff Byron Greene was reinstated to probation per order of the court, Union County Jail held Plaintiff another (5) five days without cause.

XXVI

That Plaintiff Byron Greene has developed leg problem and hemorrhoid problem from standing on cold concrete and/or sitting on cold steel all day everyday for weeks at Union County Jail.

XXVII

That Union County Jail put Preachers in the dayroom of the pod to preach every week.

XXVII

That Plaintiff was force to listen to Preacher.

XXIX

That Union county Jail has shown  
discrimination against the black race  
offenders particularly the Plaintiff

Byron Greene who is of the black race.

XXX

That Plaintiff was extradited and did  
arrive at Union County Jail on or about  
August 14, 2014, for probation violation

XXXI

That under the current probation law a  
probation violator can only be held 21 days

for a technical violation, if not taken  
before a Judge the offender must be  
reinstated.

XXXII

That Union County Jail held Plaintiff more  
than 21 days on a probation technical violation

XXXIII

That while Plaintiff was in Union County  
Jail between August 14, 2014 and September 11,  
2014 Plaintiff witness two white offenders

be reinstated on probation on or about the

21<sup>st</sup> day of their incarceration, while three

black offenders were transported to other

Counties to go before a Judge.

XXXIV

That Union County Jail use the black offenders at the jail as cooks and Servants.

XXXV

That Plaintiff Byron Greene mailed the original of this Complaint to The U.S. District Court on or about September 7, 2014 from Union County Jail.

XXXVI

That Union County Jail Administrator refuse to fill out the account information form required by the Court for the Plaintiff to Proceed in forma Pauperis.

XXXVII

That the Defendants Timmy Edwards and  
Johnny Bell did act under color of the  
State of Mississippi.

XXXVIII

That Defendants did deny Plaintiff the  
Same rights to the full and equal benefit  
of all laws and proceedings for the security  
of person and property as is enjoyed by  
white citizens.

XXXIX

That Defendant created a policy or custom  
under which unconstitutional practices  
occurred and allowed the continuance of

Such a policy or custom.

XI

That defendants Timmy Edwards and Johnny

Bell was grossly negligent in supervising

Subordinates who committed wrongful acts.

XII

That the defendants acted with reckless

indifference to Plaintiff rights, ill will

and <sup>(w)</sup> malice.

XIII

That Plaintiff Byron Greene legal mail,

that was mailed out at Union County Jail

apparently never reach the court.

WHEREFORE PREMISES CONSIDERD,

The Plaintiff Byron Greene PRAYS

that this Honorable Court set a date

and time to hear this matter with a

Jury and let a Jury determine the dollar

amount that should be paid to the

Plaintiff for Compensatory and Punitive

damages.

Respectfully Submitted

Byron Greene

Byron Greene Pro, se  
Plaintiff

Sworn Affidavit

I, Byron Greene do swear under penalty of perjury that this statement is true and correct to the best of my knowledge.

My ordeal started with Union County Jail and/or the Defendants on or about July 14, 2006. I was arrested in New Albany, Mississippi Union County. I was charged with Forgery and Assault on a police Officer. At the time of my arrest a undetermined amount of money was taken from my pocket and Union County Jail, my personal property. I assume the money was put toward any fines or restitution until years later when records was shown that no money had been paid. I am not sure of the amount that was taken but I would say somewhere between two to three hundred dollars. I only stayed at Union County Jail for a few days before I was transferred to another County where I also had been charged with Forgery. The only sufficient thing I remember about my first incarceration at Union County Jail other than the taken of my money is the Cell area was very cold.

After I made bond in the other places I had been charged with forgery, I was return to Union County Jail about September 2006. When I arrived in the booking area, I had to Surrender my clothes. I was allow to keep only my boxers and socks. I was given a thin pair on pants and a thin shirt, along with 2 pair of shower shoes. I was taken to one of the several pods for housing. Every morning I was ordered out of the cell into the day room area. No blankets or pillars were allowed in the day room. The cell doors were locked, therefore one must either stand or sit on cold steel or concrete until 10 pm. This area of the jail was kept very cold, my hands and legs would turn blue or black from lack of blood flow, and there would be much pain in my legs. I made bond after about a month. The next time I heard something from Union County was about December 8, 2011. At this time the indictment was over 5 years old, Union County had fail to prosecute. I had been to prison, I had made parole, I had violated my parole, I had been back to prison and finish my sentence. I was now being released on post-release Supervision. Now, Union County has a detainer on me. So upon my release I was taken to Union County Jail.

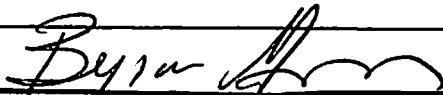
On about December 11, 2011 I appeared in Court in Union County. I was sentence to 15) five years probation. Everyone there knew I was on two year post release Supervision, because Union County had just picked me up from prison two days earlier. I was taken back to Union County Jail and released. I was never assigned a probation officer nor had I did any type of IN-TAKE for probation. The next time I heard from Union County was around June 2013. I was arrested in Columbus Mississippi and told that Union County had modified my sentence and I had been order to the Restitution Center. I was transferred to Jackson Restitution Center. After a few days I was ejected from the Center and return to Union County Jail. I stayed in that cold environment for about two weeks then transferred to Pascagoula Restitution Center. I filed a Habeas in Federal Court and I was kicked out of Pascagoula Restitution Center. I was sent back to Union County Jail. I froze there everyday for about two months before I went in front of a Judge. The Judge released me by reinstating my probation. This was about October 2013.

After the Judge pass down this order in open court, Union County Jail held me another (5) five days without cause claiming they were waiting on my paperwork. The cold environment at Union County Jail has caused me to have ongoing pain in my legs. I have also developed Hemroids problem from sitting on cold steel all day to the point when I pass blood at bowel movements. My mental state has been disturbed due to the preaching that was screamed at me every week. This preaching was not consistent with my belief. I complained that I did not want to hear any preaching but nothing was done.

I was extradited back to Union County from Fort Worth, Texas for probation violation on or about August 14, 2014. A new law had come into effect July 1, 2014 concerning probation violation. The law stated that an offender could only be held for 21 days on a probational technical violation. If the offender/probation violator had not been brought before a Judge within the 21 days, he was to be reinstated to probation status. Therefore, I was housed at Union County Jail pending Probation Revocation Hearing.

During this incarceration period I witness 2 white probation violators become reinstated and released on their 21<sup>st</sup> day of incarceration. While two black offenders were taken out of the County to go in front of a Judge for their violation. I was held 23 days then rush in front of a Judge to be violated. At the Union County Court House, the Jail Administrator approach me and acknowledge that I had exceeded the 21 day law. The probation officers was out of breath from running to the Court house with paper work to push me in front of the Judge for my revocation hearing rather than reinstate me as they had previously done for the white offenders and the law had required.

Sworn this 2 day of December 2014



Byron Greene #41283

Byron Greene #41283  
UNIT 301D B-Zone  
Parchman, MS 38738

RECEIVED

DEC 04 2014

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

MISSISSIPPI STATE PENITENTIARY  
P.O. BOX 38738  
ABERDEEN, MS 39730

U. S. DISTRICT COURT

OFFICE OF PRO SE CLERK

301 N COMMERCE STREET #130  
ABERDEEN, MS 39730

POSTAGE PAID  
LEGAL MAIL  
MISSISSIPPI STATE PENITENTIARY  
MS 39738  
THIS LETTER HAS NEITHER BEEN OPENED  
NOR HAS IT BEEN READ BY THE WRITER OR  
ANYONE ELSE. IT IS THE PROPERTY OF THE  
STATE PENITENTIARY AND IS TO BE RETURNED  
TO THE WRITER OR TO THE CLERK OF THE COURT  
IF THE ADDRESSEE PLEASES. PLEASE TURN THE ENVELOPE  
OVER IN THE ABOVE ADDRESS



Byron Greene  
M.S.P #41283  
Unit 30/D B-ZONE  
Peachman, MS. 38738

RECEIVED  
10 SEC 05 2015

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

U.S. District Court  
OFFICE OF THE CLERK  
301 N. Commerce Street #13

Aberdeen, MS. 39730